

COHEN & GREEN

January 15, 2025

Mary O'Flynn
Deputy Chief, Special Federal Litigation Division
New York City Law Department
100 Church Street
New York, N.Y. 10007

By Electronic Mail.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Mary:

My firm, with co-counsel, represents Plaintiff in the case named above. This is to formally document that Plaintiff is accepting Defendants' Rule 68 Offer of Judgment, dated January 3, 2025, a copy of which is attached.

I will contact you separately regarding the outstanding claims for attorney's fees and costs to see if we can reach a stipulation that would avoid the need for a formal application to the Court.

I am glad we were able to put this piece of the case to bed.

Yours, &c.,

/s/

[written signature added 1/21/25
per clerk policy]

J. Remy Green

Honoric/Pronouns: Mx., they/their/them

COHEN&GREEN P.L.L.C.

Attorneys for Plaintiff

1639 Centre St., Suite 216

Ridgewood, New York 11385

Enclosure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Patricia Rodney,

Plaintiff, **RULE 68**
OFFER OF JUDGMENT

-against-

City of New York, Officer Angeliesse Acevdeo, Officer
Pelly Casimir, Officer Tamara Clemente, Officer John
Andrew Cusomano, Sergeant Ernest Hernandez, Sergeant
Heriberto Hernandez, Officer Robert Mui, James P.
O'Neill, Officer Michael Oggeri, Officer John Ramos and
Officer Steven Vitelli,

22CV01445 (LAP) (OTW)

Defendants.

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Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants City of New York, Officer Angeliesse Acevdeo, Officer Pelly Casimir, Officer Tamara Clemente, Officer John Andrew Cusomano, Sergeant Ernest Hernandez, Sergeant Heriberto Hernandez, Officer Robert Mui, James P. O'Neill, Officer Michael Oggeri, Officer John Ramos and Officer Steven Vitelli, and any defendant who is currently or subsequently named and hereafter represented by the Office of the Corporation Counsel in this action, hereby offer to allow plaintiff Patricia Rodney to take a judgment against the City of New York in this action for the total sum of One Hundred Fifty Thousand and One (\$150,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for plaintiff's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendant City or any official, employee, or agent, either past or present, of the City

of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted by written notice within 14 days after being served.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants City of New York, Officer Angeliess Acevdeo, Officer Pelly Casimir, Officer Tamara Clemente, Officer John Andrew Cusomano, Sergeant Ernest Hernandez, Sergeant Heriberto Hernandez, Officer Robert Mui, James P. O'Neill, Officer Michael Oggeri, Officer John Ramos and Officer Steven Vitelli; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff Patricia Rodney agrees that payment of One Hundred Fifty Thousand and One (\$150,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff Patricia Rodney is a Medicare recipient who received medical

treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to counsel for defendant a final demand letter from Medicare.


By acceptance of this Rule 68 Offer of Judgment, plaintiff Patricia Rodney agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Patricia Rodney further agrees to hold harmless defendant City and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
January 3, 2025

MURIEL GOODE-TRUFANT
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street,
New York, New York 10007
(212) 356-2352

By


Mary O'Flynn
Senior Counsel
Special Federal Litigation Division

To: VIA EMAIL & FIRST CLASS MAIL
Remy Green, Esq.
Cohen & Green
1639 Centre Street Suite 216
Ridgewood, NY 11207

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

PATRICIA RODNEY,

Plaintiff,

-against-

CITY OF NEW YORK, OFFICER ANGELIESS
ACEVEDO, OFFICER PELLY CASIMIR, OFFICER
TAMARA CLEMENTE, OFFICER JOHN ANDREW
CUSOMANO, SERGEANT ERNEST HEMANDEZ,
SERGEANT HERIBERTO HEMANDEZ, OFFICER
ROBERT MUI, JAMES P. O'NEILL, OFFICER
MICHAEL OGGERI, OFFICER JOHN RAMOS AND
OFFICER STEVEN VITELLI,

**DECLARATION OF
SERVICE**

22-cv-01445 (LAK)(OTW)

Defendants.

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REMY GREEN hereby declares under penalties of perjury:

1. I am counsel to Plaintiff in the above captioned matter.
2. On January 15, 2025, I served upon the Defendants the attached January 15, 2025

letter accepting Defendants' Rule 68 Offer of Judgment dated January 3, 2025 by e-mailing a
letter accepting the offer, pursuant to the terms of the offer.

Dated: Queens, New York
January 21, 2025

By: /s/
J. Remy Green
Cohen&Green, P.L.L.C.
1639 Centre Street, Suite 216
Ridgewood, New York 11385
(929) 888.9480